

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-22 are pending in the present application, of which claims 1, 9-13, 17 and 19-22 are independent.

This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

### Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### Noted - Priority Document Received By USPTO

The indication (see Office Action Summary of the Office Action mailed February 24, 2006, box 12(a)(1) as checked) that the certified copies of the priority documents have been received by the USPTO is noted with appreciation.

### Noted - IDS Considered

The indication (see attachment to the Office Action mailed February 24, 2006) that the Information Disclosure Statement as filed on September 24, 2004 and references listed therein have been considered is noted with appreciation.

### Noted - Drawings Approved

The indication (see Office Action Summary of the Office Action mailed February 24, 2006, box 10(a) as checked) that the Drawings (submitted on January 11, 2002) have been

approved is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §103**

Claims 1-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ginter et al. (U.S. Patent No. 6,427,140, Ginter hereinafter) in view of Bennett (U.S. Patent No. 5,579,520).

**INDEPENDENT CLAIM 1**

As an example, independent claim 1 recites (among other things) a feature of “the secure memory including a verification unit to verify the validity of the encrypted code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 1 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit. In particular, column 125, lines 60-67 of Ginter states:

In order to maintain security, SPE 503 must encrypt and cryptographically seal each block being swapped out to a storage device external to a supporting SPU 500, and must similarly decrypt, verify the cryptographic seal for, and validate each block as it is swapped into SPU 500 (emphasis added).

Hence, the noted feature of claim 1, namely “the secure memory including a verification unit to verify the validity of the encrypted code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 1.

**INDEPENDENT CLAIM 9**

As an example, independent claim 9 recites (among other things) a feature of “a device verifying the respective units of the encrypted code according to the plurality of pieces of verifying information” (emphasis added). As will be explained below, at least this feature of claim 9 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a device verifying an encrypted code.

Hence, the noted feature of claim 9, namely “a device verifying the respective units of the encrypted code according to the plurality of pieces of verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 9 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 9.

#### **INDEPENDENT CLAIM 10**

As an example, independent claim 10 recites (among other things) a feature of “the memory including a verification unit to verify validity of the encrypted code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 10 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 10, namely “the memory including a verification unit to verify validity of the encrypted code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 10 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 10.

#### **INDEPENDENT CLAIM 11**

As an example, independent claim 11 recites (among other things) a feature of “a secure memory that includes a verification unit to verify validity of the encrypted code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 11 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 11, namely “a secure memory that includes a verification unit to verify validity of the encrypted code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g.,

by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 11 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 11.

#### **INDEPENDENT CLAIM 12**

As an example, independent claim 12 recites (among other things) a feature of “a secure memory that includes a verification unit to verify validity of the encrypted code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 12 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 12, namely “a secure memory that includes a verification unit to verify validity of the encrypted code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 12 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 12.

#### **INDEPENDENT CLAIM 13**

As an example, independent claim 13 recites (among other things) a feature of “the secure memory including a verification unit to verify the validity of the code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 13 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 13, namely “the secure memory including a verification unit to verify the validity of the code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 13 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 13.

#### **INDEPENDENT CLAIM 17**

As an example, independent claim 17 recites (among other things) a feature of “the secure memory including a verification unit to verify the validity of the code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 17 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 17, namely “the secure memory including a verification unit to verify the validity of the code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 17 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 17.

#### **INDEPENDENT CLAIM 19**

As an example, independent claim 19 recites (among other things) a feature of “the secure memory means including a verification unit to verify the validity of the encrypted code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 19 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 19, namely “the secure memory means including a verification unit to verify the validity of the encrypted code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed

invention. In view of the distinction of claim 19 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 19.

#### **INDEPENDENT CLAIM 20**

As an example, independent claim 20 recites (among other things) a feature of “means for verifying the respective units of the encrypted code according to the plurality of pieces of the verifying information” (emphasis added). As will be explained below, at least this feature of claim 20 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a device verifying an encrypted code.

Hence, the noted feature of claim 20, namely “means for verifying the respective units of the encrypted code according to the plurality of pieces of the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 20 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 20.

#### **INDEPENDENT CLAIM 21**

As an example, independent claim 21 recites (among other things) a feature of “the memory including a verification unit to verify validity of the encrypted code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 21 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 21, namely “the memory including a verification unit to verify validity of the encrypted code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 21 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a

*prima facie* case of obviousness vis-à-vis claim 21.

### **INDEPENDENT CLAIM 22**

As an example, independent claim 22 recites (among other things) a feature of “the secure memory including a verification unit to verify the validity of the encrypted code according to the verifying information” (emphasis added). As will be explained below, at least this feature of claim 22 is a distinction over Ginter, and thus over its combination with Bennett.

Ginter merely describes a secure processing environment to verify a cryptographic seal without any discussion of a memory including a verification unit.

Hence, the noted feature of claim 22, namely “the secure memory including a verification unit to verify the validity of the encrypted code according to the verifying information”, is a distinction over Ginter. The noted feature also is a distinction over Bennett as evidenced, e.g., by the Office Action. That is, the Office Action does not assert Bennett as disclosing the noted feature.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 22 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 22.

### **DEPENDENT CLAIMS**

Claims 2-8 ultimately depend from independent claim 1, and so at least similarly distinguish over the asserted combination of references.

Claims 14-16 ultimately depend from independent claim 13, and so at least similarly distinguish over the asserted combination of references.

Claim 18 depends from independent claim 17, and so at least similarly distinguishes over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 1-22 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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